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STATE PASS TO EEB/TPP/IPE URBAN, BOGER, WALLACE, WATTS,  
LEBLANC  
PASS TO USTR SANFORD, MCCOY, BURKHEAD, GROVES, WILSON,  
PETERS  
PASS TO DEPT OF COMMERCE C. ISRAEL

E.O. 12958: N/A

TAGS: ECON ETRD KIPR PGOV IT

SUBJECT: GOI RESPONSE TO USG 2007-2008 SPECIAL 301  
INITIATIVE

REF: A. SECSTATE 107629

1B. GROVES E-MAIL TO FARRELLY 08-07-07  
1C. FARRELLY E-MAIL TO URBAN BURKHEAD GROVES ET AL  
OF 08-30-07

11. (U) This is an ACTION REQUEST (see para 11).

12. (SBU) SUMMARY: Post delivered information on the USG Special 301 Initiative and an IPR Action Plan to Mauro Masi, the Government of Italy's (GOI) Delegate on Intellectual Property Rights (IPR) and Chief of Cabinet to Massimo D'Alema in his role as Deputy Prime Minister. Masi accepted the points with interest, and looked forward to working with USG on improving GOI's IPR protection. We also discussed ways to enhance the impact of the GOI's upcoming public IPR event featuring D'Alema, Justice Minister Mastella, and Ambassador Spogli. END SUMMARY

13. (SBU) August 29 ECMIN met with Masi to deliver ref A points on the 301 Special 301 Initiative and IPR Action Plan (ref B). Masi accepted the points readily, saying "I was looking for something exactly like this." He acknowledged the need for GOI to act to improve its IPR protection, and stated that he has made qualifying Italy for removal from the 301 Watch List a priority.

14. (SBU) As he reviewed the IPR suggestions in the Action Plan, Masi noted that further discussion with USTR would be beneficial. Masi will visit Washington and meet with USTR on September 5. This meeting can take the place of the proposed digital video conference proposed in ref A. At this meeting, Masi intends to discuss Italy's position on the Watch List and identify actions the GOI must take in order to qualify for removal.

15. (SBU) ECMIN also discussed the GOI's public IPR event scheduled for October 24, 2007 in Rome. This event will take the form of a public discussion hosted by Massimo D'Alema in his capacity as Deputy Prime Minister and Justice Minister Clemente Mastella. Masi provided ECMIN with a rough agenda of the program, which Post has detailed in a separate e-mail (ref C). Ambassador Spogli has been invited to speak at the conference. Masi also intends to invite Chris Israel, International IPR Enforcement Coordinator at the Department of Commerce, to speak.

16. (SBU) Prior to our meeting, we were apprehensive that

Masi was not preparing substantial content for the D'Alema/Mastella program. We were concerned that this event would be little more than a one-time public relations event after which no real policy changes or concerted GOI action would follow. In an effort to push the GOI to make it more substantive than they may have been initially prepared for, ECMIN delivered additional points with suggestions for initiatives and announcements that would make the program more robust. Masi accepted the suggestions and invited Post to submit other relevant ideas that would make the program more effective (see also ref C).

¶7. (SBU) Masi considers this program the first of a series of initiatives that will draw public attention to the importance of protecting IPR adequately in Italy and will improve enforcement of IPR laws here. He held that both D'Alema and Mastella "get" IPR, pay attention to the issue, and that their participation in this event is a signal of their interest.

¶8. (SBU) According to Masi, as part of this program, Nicola Mancino, Vice President of the Italian Supreme Court (Consiglio Superiore della Magistratura--CSM), will announce that all new judges entering the magistracy will undergo specific and substantial training on IPR protection. The IPR training will be integrated into the current introductory training curriculum that all new magistrates receive. Masi thinks that the Mancino announcement will be the centerpiece of the October 24 event and emphasized that it is important for three reasons: 1) the magistracy has never undertaken a commitment such as this regarding IPR before, 2) as Vice President, Mancino is the effective head of the CSM (the President of the CSM is Giorgio Napolitano, the President of Italy), and 3) the magistracy prides itself on its independence from political considerations and usually

ROME 00001872 002 OF 002

rebuffs any external involvement in its workings.

¶9. (SBU) COMMENT: Post believes that Masi is making a good faith effort to collaborate with USG on IPR protection in Italy. Our local staff tells us that this is the most attention he has ever paid to IPR. In addition, he has accomplished a significant feat by persuading two senior cabinet level officials and the most senior judicial official to participate in a public panel on IPR. However, in our discussions, Masi seemed surprised by the level of complexity we communicated for 301 Watch List removal and for the forthcoming D'Alema/Mastella program. And while Masi welcomed our suggestion that IPR protection efforts be adequately funded and staffed, we do not have the impression that he has a clear vision of how to enact a broad action plan, or how to shape the D'Alema/Mastella meeting. The proposed announcement of IPR training for new judges is a welcome and substantial development, but it seems notably isolated from other potential GOI actions and does not address current judges' attitudes to IPR. Further, we do not have the impression that Masi has considered a comprehensive plan to integrate all of the GOI's efforts on enforcement, data collection and information sharing, internet piracy, and public outreach.

¶10. (SBU) This is an opportunity for USTR and Post to provide Masi input by acknowledging the great strides he has made in gaining senior level GOI support for IPR and by suggesting in a positive manner how he can most effectively improve Italy's IPR record. By stressing to Masi at the September 5 meeting in Washington the importance of a coordinated and well-funded action plan that also includes a joint GOI/private sector public awareness campaign, USTR can support Post's ongoing efforts to encourage the GOI to improve its IPR enforcement. Post will continue to work with Masi on the 301 Action Plan and shaping the D'Alema/Mastella program to announce a new GOI policy statement and Action Plan on IPR protection. END COMMENT

¶11. (SBU) ACTION REQUEST: Post requests that USTR invite members from the Department of State's EEB/TPP/IPE and the Italy desk to the September 5 meeting with Masi, and inform Post of its results. END ACTION REQUEST  
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